

## COMMITTEE REPORT

<b>20250314</b>	<b>14 Brunel Avenue</b>	
Proposal:	Change of use from dwellinghouse (Class C3) to children's residential home (3 persons) (Class C2)	
Applicant:	Goyal	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	22 April 2025	
JA1	TEAM: PD	WARD: Beaumont Leys



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### Summary

- The application is brought to committee due to there being more than 6 objections from different addresses received within the city boundary.

- The main issues are principle of development; character of the area; amenity of neighbouring residents; living conditions for future occupiers, parking and traffic
- 16 Objections from 11 separate addresses were received.
- The recommendation is to grant conditional approval

## The Site

The application site concerns a detached, four-bedroom dwelling within a suburban area of the city. The dwelling is located within a cul-de-sac of 19 other detached dwellings. The application site has a garden of approximately 54sqm.

The application site is within a residential policy area. The site is located within a critical drainage area and a monument polygon for the archaeological records of the medieval Leicester Forest.

## Background

The application site was built during the 1970s under permission 021745, which saw the development of 133 dwellings within the surrounding area.

An application (19961155) for a rear extension was approved in 1996. This permission has been implemented.

## The Proposal

The application is for change of use at 14 Brunel Avenue from residential dwelling use (C3) to a residential care home (Class C2). The home would accommodate a maximum of 3 children.

The dwelling would be laid out with an office, kitchen, dining room, lounge, bathroom and staff bedroom on the ground floor. The first floor would comprise of three child bedrooms, one bathroom and a staff bedroom.

The management plan advises there would be a maximum of three children housed within the care home, with a maximum of three staff members on shift. The proposed shift patterns will run between 10am and 10am, over a 24hour cycle.

There are no physical alterations proposed to the development site, within this application.

## Policy Considerations

### National Planning Policy Framework

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

#### Local Policies

CLLP policy AM01 (Impact of development on pedestrians)  
CLLP policy AM12 (Residential car parking provision)  
CLLP policy PS10 (Residential amenity and new development)  
CLLP policy PS11 (Protection from pollution)  
Policy CS03 (Designing quality places)  
Policy CS06 (Housing strategy)  
Policy CS14 (Transport network)

#### Supplementary Guidance

Appendix 1 CLLP- Vehicle Parking Standards  
Residential Amenity SPD (2008)

## Representations

16 Objections were received from 11 addresses within the city. Objections comprised of the following concerns:

#### Principle of Development/Character of area

- There are more suitable locations than the application site for the proposed use
- The proposal would be out of character for the area
- The proposal would appear incongruous within the surrounding area
- 1 Brunel Avenue has had a similar use refused previously

#### Traffic/Parking/Highways

- The proposal would cause strain on existing parking and traffic
- Traffic has already increased due to the impact of nearby Stokes Wood Primary School
- The garage has been unlawfully converted into an office
- Changing of shift patterns and potential visits to the care home by different agencies would increase strain on parking and traffic
- Staff won't use public transport and is inadequate anyway
- The application does not comply with NPPF paragraph 111

#### Living Conditions for residents

- The garden size would be not sufficient to the needs of the children
- The proposed building is not suitable for the purposes of a children home

#### Impact on neighbouring amenity

- The application would have an adverse impact on retired, elderly and vulnerable residents
- The proposal would result in the loss of privacy to neighbouring residents
- There would be a significant increase in noise associated with this use
- There would be greater negative impact on residents due to proposed children having more complex needs

#### Waste

- Increase in waste

#### Other matters

- The application received inadequate consultation with neighbours
- Staffing would be inadequate to needs of occupants
- The application has caused stress to local residents
- There are safeguarding concerns as to the internal layout of the site
- There would be a negative impact on the value of surrounding dwellings
- The application does not comply with NPPF paragraph 111 and 130.

## Consultations

LCC Social Care Department- The applicant can demonstrate experience in the children's care sector, having run care homes since 2018. The proposed area for the children's home does not raise any immediate concerns. However, the decision to register as a children's home rests with Ofsted, despite planning consent still being a requirement.

## Consideration

### Principle of development/character of area

Having reviewed the 400msq radius from the proposed care home site, there are no previous changes of use applications for C3 to C2 Children's care home use within this area.

I consider that the existence of no further children's care homes within the immediate area, would ensure that this proposal does not contribute to the potential over concentration of this proposed use. Within the objections received, concerns were raised regarding the impact of the proposal on the character of the area, by appearing incongruous.

These concerns were compounded by the specific concern that there were more suitable locations for this type of use, than the one proposed by the application. As the proposed use will be a managed care home with assisted living provided for the residents, and as a primarily residential use, its location in a residential area is appropriate in planning policy terms.

With regard to further objections, it was stated that there was a similar change of use application refused at 1 Brunel Avenue for a nursery. The application was withdrawn rather than refused. Notwithstanding this, under current planning use class, a nursery would be classified as Class E given its commercial nature and I would consider this inappropriate within the surrounding area. However, Class C2 would still be a residential use within a residential area, therefore I do not consider there to be similarities between the two uses.

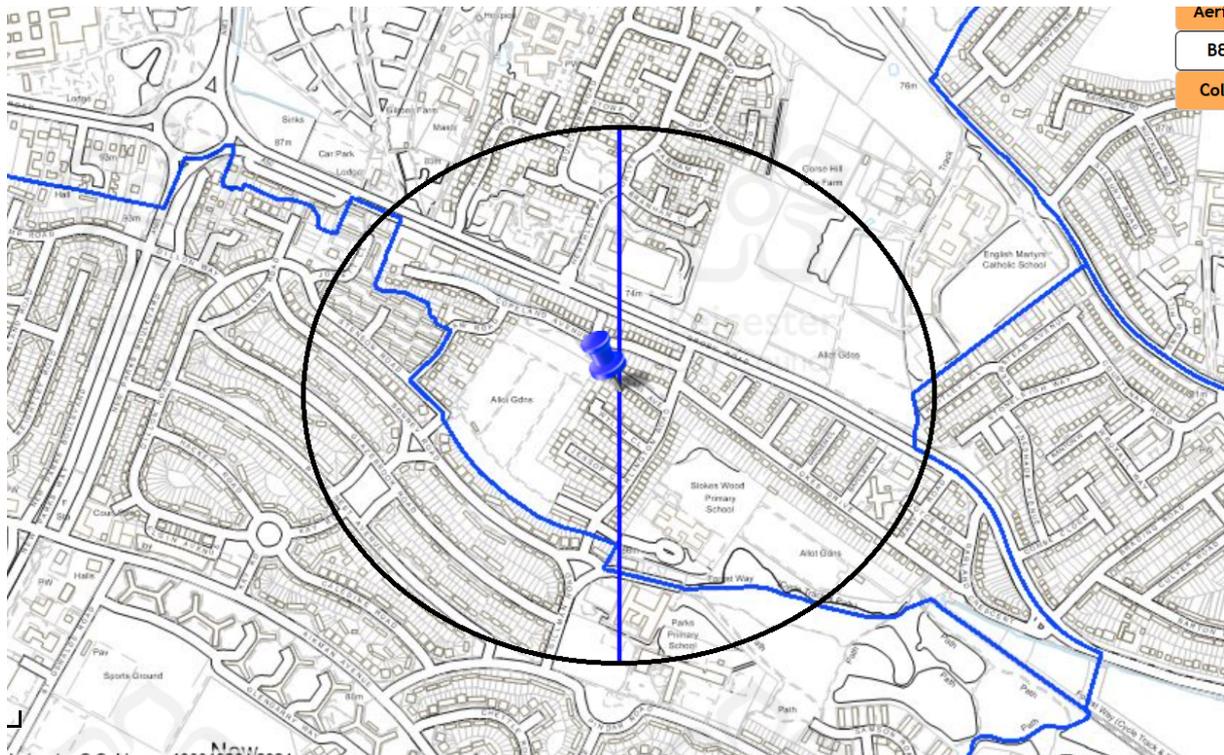


Figure 1: There are no other approved care homes within 400m of the application site.

### Living Conditions for Occupiers

The existing site is a four-bedroom dwellinghouse under Class C3 use. Saved Policy PS10 of the local plan (2010) applies to the amenity of future as well as existing residents.

Objectors have raised issue with the existing building not being appropriate for use as a children's care home. I consider a four-bedroom family dwelling to be an entirely appropriate building for this type of use. The house has acceptable access to natural light and outlooks, with adequate floorspace for up to three residents and staff working shift patterns. However, a condition will be added to the permission ensuring that no more than three children can be cared for within the house, to ensure that the acceptable living conditions are not compromised by an increase in occupants.

I note from the objections that there is concern over the size of the garden being suitable for the proposed use of a children's care home. The rear amenity space would approximately measure 54msq. Whilst this would not meet the recommended guidance within the residential amenity SPD for amenity guidelines, as this application is for a change of use from residential dwelling (Class C3), I do not consider that the proposed use is divergent enough from the current, to warrant refusal on this basis. For example, a family with three or more children could live in the property under its existing use and as such I would consider the needs of both the children within the care home and those within a family (C3) environment to be the same.

Overall, I am satisfied that the application site would provide potential residents of the care home with sufficient living conditions. Whilst the garden site would not meet the recommended guidelines for rear amenity space within the residential amenity

SPD, the proposed use does not equate to a disproportionate increase in users from the current use, therefore this cannot be considered as a reason for refusal.

### Neighbouring Residential Amenity

NPPF paragraphs 135 & 198, and saved Local Plan policies PS10 and PS11 require amenity to be protected for neighbouring residents from development, including in respect of noise.

I note within the objections there are concerns that there could be an increase in disturbances and noise, if the change of use was granted permission. However, the proposal is to provide organised care with carers always present for oversight and supervision. Whilst there would be potential for more people to be present in the house regularly during the daytimes than may be expected in a family home, the use is for residential care, which is not an inherently noisy use that would be out of character for a residential area (including the use of the house and rear garden area).

I note there is also greater concern from the objections regarding the potential for disruptions, as the applicant has listed within their management plan that the proposed site would be used for children with learning difficulties or emotional behaviour disorders (EBD). Within their consultation response, Leicester City Council social care team have stated that the risks posed by children with these issues can be mitigated by experienced professionals. The social care team have also recognised the potential care provider as being able to demonstrate experience in this sector.

Nonetheless, I do not consider the change of use would result in an unacceptable increase in noise; in part due to its similarity to C3 residential use and the modest scale of the proposal. There are further concerns within the objections, that there would be a significantly adverse impact on retired, elderly and vulnerable residents within the surrounding area. The facility would be a managed care home provider and it would be reasonable to expect that managed provisions would be in place to prevent these concerns. However, the managed provisions are not be a planning consideration and they would be a factor for Ofsted to assess and consider.

Notwithstanding this, the granting of planning permission does not indemnify against statutory nuisance action being taken, should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. NPPF paragraph 201 states that 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'

As the proposal would be an acceptable use of land there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which could dealt with other agencies.

Within the objections, there are also concerns that the change of use would result in an intrusion on neighbouring privacy. As there is no physical development associated with this proposal, I do not consider the impact on neighbouring privacy would be substantially different to its existing use.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and saved Local Plan Policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity

### Highways Parking

Saved Local Plan policies AM01 and AM02, and NPPF paragraphs 109,115 and 117 require developments to provide suitable facilities for traffic and parking, avoiding harm to highway safety. It is also noted that NPPF paragraph 116 states that development should only be prevented on highways grounds in cases of unacceptable impact on highway safety, or if cumulative impacts on the road network would be severe. Within Appendix 01 Vehicle Parking Standards, it states that for a C2 site of this size, one car parking space is necessary.

Within the objections, several concerns have been highlighted regarding the change of use's impact on parking and the proposed use leading to an increase in traffic within the surrounding area. The existing dwelling site has two car parking spaces in hardstanding to the front. It is noted from the objections and the existing/proposed plans, that the garage is listed as being an office, despite still having a garage door upon its principal elevation. Within the original permission, there is a condition stating that the garage should be incidental to the enjoyment of the house, therefore this does require planning permission. Nonetheless, this permission will supersede the previous permission, as the loss of a garage would not cause significant adverse harm to parking, due to the adequate parking space to the front of the dwelling.

Notwithstanding this, within the management plan it is stated that the development would have up to 3 support staff members on site at all times, with up to two extra staff between 9am and 5pm on weekdays. In addition, it could be expected that other agency staff may visit the house, meaning that there may be some on-street parking required at times. It has been highlighted by objectors that the changing of shift patterns and potential visits to the care home by different agencies would increase the strain on parking and traffic. However, the management plan has stated that visitors would have to arrange to visit the site via appointment. I consider this provision would mitigate some of the potential impact of visits by agency staff, through making site visits an appointment only requirement.

Nonetheless, the site is also close to bus stops on Groby Road, therefore staff & visitors would be able to use public transport or alternative methods to the private vehicle. Objectors have said it would be unreasonable to expect staff to use public transport. Within the management plan, it is stated that staff will be encouraged to use public transport, via the offering of financial support. I do not consider it unreasonable to expect that between staff, some will use public transport and others may drive to the site. Furthermore, it has been highlighted by objectors that the local school has already caused issues with traffic. Within the management plan, the majority of shifts would start and finish at 10am, therefore staff arriving and leaving

shall avoid peak school traffic. As a result, I believe 2 parking spaces to the front of the dwelling would be sufficient to the needs of the development, in addition to the provision of adequate public transport, with bus stops located approximately a 10 minute walk away from the development site.

Overall, I am satisfied with the proposal's impact on traffic and parking within the locality. The application site complies with the requirements of Appendix 01 Vehicle Parking Standards, by having more than 1 car parking spaces to the front of the dwelling. In addition, there is the adequate provision of nearby public transport, with bus stops within a 5 minute walk away from the site. As such, the proposal would be in accordance with NPPF paragraph 116 and the proposal would not warrant refusal on Highways grounds.

### Waste

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area including litter problems.

I note from the objections that there are concerns over the proposed change of use increasing waste. Within the application management plan, it is stated that Bins and waste will be dealt with in line with council guidelines, as per residential waste. I consider this would be satisfactory, as the amount of waste would not be adversely altered by the change of use and in this respect the situation would be no different to a residential dwelling (Class C3).

### Other issues

Within the objections received, it was stated that the application did not comply with the NPPF paragraphs 111 and 130. These paragraphs were incorrectly identified by the complainant. It is likely the objector meant NPPF paragraphs 116 and 135 respectively. As has been outlined within this report, I am satisfied that the proposal would meet the policy expectation of these paragraphs.

Within the objections received, it was stated that the application had received inadequate or no consultation. The application has been publicised to meet the requirements of the DMPO (Development Management Procedure Order), therefore I consider the application has been publicised appropriately.

Objectors have raised concerns with the change of use's impact on the property value of surrounding dwellings. This concern is not a planning consideration.

Objectors have also raised concerns with potential safeguarding risks, due to the proposed internal layout. I do not consider this concern a planning matter and instead this should be referred to Ofsted as part of the ongoing monitoring of the uses should permission be granted.

Objectors have raised concerns that the application has caused stress to residents. Whilst this is unfortunate and would rather be avoided, this is not a planning consideration.

Objectors have also raised concerns with whether the shift patterns would be sufficient to serve the needs of occupants. As these are concerns that may be of interest to Ofsted, they are not a material planning consideration, therefore I do not share these raised concerns when assessing this application for change of use.

### Conclusion

The application is acceptable in principle and I recommend conditional approval.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further consideration for these types of uses would be necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

The proposal is for 3 children in care and I recommend a condition to limit this to 3 as any increase would also require further consideration.

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The premises shall not accommodate any more than 3 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).)
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
4. Development shall be carried out in accordance with the following approved plans:  
Proposed Ground Floor and First Floor Plans, DRAWING NUMBER 03, received 25 February 2025  
(For the avoidance of doubt).

### NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024.

### **Policies relating to this recommendation**

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.